

REMARKS

In complete response to the Official Action mailed January 2, 2004, Applicants hereby elect, albeit with traverse, Group I, claims 5-7 drawn to an antibody of BCRP.

According to MPEP §803, a restriction requirement between patentably distinct inventions is proper only when there is a serious burden on the examiner to examine all of the claims in a single application; this is true even when appropriate reasons exist for restriction requirement. Applicants respectfully submit that the searches required to completely examine the claims would substantially overlap.

In particular, Applicants draw attention to the fact that the antibodies of Claims 5-7 could be used in the methods of Claims 12, 26, 28, 29, 30, and 37 and in fact explicitly are used in the methods of Claims 13-15, 18, and 21-25. Therefore, search and examination of the antibodies of Claims 5-7 will already encompass much, if not all, of the search and examination required for the these additional claims. In light of this, Applicants respectfully submit that it would not be unduly burdensome to examine all claims at the present time. Moreover, these claims should logically be examined in the same application.

Accordingly, Applicants respectfully request rejoinder of Claims 5-7 with Claims 12-15, 18, 21-26, 28-30, and 37, at least to the extent that these claims read on the antibodies of Claims 5-7. At the very least, Applicants request rejoinder of Claims 13-15, 18, and 21-25, which explicitly recite the antibodies of Claims 5-7, with elected Claims 5-7.

Withdrawal of this restriction requirement and examination of all claims on the merits at the present time are respectfully requested.

If there are any questions concerning this response, or the application in general, the Examiner is respectfully requested to telephone Applicants' undersigned representative so that prosecution may be expedited.

Respectfully submitted,

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Date: February 11, 2004

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